

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEISHA NATALIE FLETCHER,
Plaintiff,

– *against* –

COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

OPINION & ORDER

22-cv-2873 (ER) (BCM)

RAMOS, D.J.:

Plaintiff Keisha Natalie Fletcher brings this action pursuant to 42 U.S.C. § 205(g), challenging the decision of the Commissioner of Social Security (“the Commissioner”) denying her application for Supplemental Security Income. Doc. 1. On April 11, 2022, the Court referred the case to Magistrate Judge Debra C. Freeman. Doc. 6. The next day, the case was reassigned to Magistrate Judge Barbara C. Moses. Before the Court are the parties’ cross-motions for judgment on the pleadings, pursuant to Federal Rule of Civil Procedure 12(c). Docs. 20, 24.

On September 22, 2023, Magistrate Judge Moses issued a Report and Recommendation (“the R&R”), recommending that the Commissioner’s motion be granted, Fletcher’s motion denied, and the case be dismissed. Doc. 27. The R&R also notified the parties that they had fourteen days from date of service (until October 6, 2023) to file written objections. *Id.* No objection to the R&R has been filed.

I. LEGAL STANDARD

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Parties may raise “specific,” “written” objections to the report and recommendation “[w]ithin fourteen days after being served with a copy.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). A district court reviews *de novo*

those portions of the report and recommendation to which timely and specific objections are made. 28 U.S.C. § 636(b)(1)(C); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). The district court may adopt those parts of the report and recommendation to which no party has timely objected, provided no clear error is apparent from the face of the record. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).

The district court will also review the report and recommendation for clear error where a party's objections are "merely perfunctory responses" argued in an attempt to "engage the district court in a rehashing of the same arguments set forth in the original petition." *Ortiz v. Barkley*, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008) (citations and internal quotation marks omitted).

II. DISCUSSION

Notwithstanding that no objections were filed, the Court reviewed Magistrate Judge Moses' thorough and well-reasoned R&R and finds no error, clear or otherwise. The Court therefore adopts Magistrate Judge Moses' recommendation to grant the Commissioner's motion, deny Fletcher's motion, and dismiss the case.

For the foregoing reasons, the Commissioner's motion for judgment on the pleadings is GRANTED, Fletcher's motion is DENIED, and the Commissioner's final decision is affirmed. The Clerk of the Court is respectfully directed to terminate the motions (Docs. 20, 24) and close the case.

It is SO ORDERED.

Dated: October 16, 2023
New York, New York



EDGARDO RAMOS, U.S.D.J.